

**CHAPTER 23. PUBLIC WORKS**

**ARTICLE 1. THE DIRECTOR OF PUBLIC WORKS.**

**SECTION 100. DIRECTOR OF PUBLIC WORKS.** The City Manager shall appoint a Director of Public Works subject to the confirmation of the City Council.

**SECTION 101. DUTIES.** The Director of Public Works shall have charge of:

- 101.1. Operation and maintenance of the City sewerage system.
- 101.2. Maintenance of all sidewalks, streets, and other public lands, grounds and buildings.
- 101.3. Street cleaning.
- 101.4. Snow removal.
- 101.5. Operation of the City Garage.
- 101.6. Assigning, housing, repairing, and servicing of all motor vehicles equipment except Fire Department and School Department equipment.
- 101.7. Carry out all lawful orders of the City Manager.

**SECTION 102. ANNUAL EVALUATION.** At least once annually, the City Manager shall conduct an evaluation of the Public Works Director's performance.

**SECTION 200. ASSESSMENT UPON ABUTTERS ON STREETS.** Whenever a majority of the abutters in number and value upon any street or road in the thickly settled portion of the City shall in writing petition the Municipal Officers to improve said street or road by grading, parking, curbing, graveling, macadamizing, paving or in any other way making a permanent street of the same, or any part thereof, and to provide for the making and reconstructing of such street improvement, and such improvements are made, 2/3 of the cost thereof shall be assessed on the property adjacent to and bounded on said street or road in the manner, and with the same right of appeal, provided under State Law.

**SECTION 201. ASSESSMENT OF DAMAGES UPON ABUTTERS.** Whenever the Municipal Officers lay out any new street or public way, or widens or otherwise alters or discontinues any street or way in the city, and decides that any persons, partnership or corporation or other legal entity, are entitled to damage therefor, and estimates the amount thereof to each in the manner provided by law, it shall apportion the damages so estimated and allowed, or such part thereof as to them seems just, upon the lots adjacent to and bounded on such street or way, other than those for which damages are allowed, in such proportions as in their opinion such lots are benefited or made more valuable by such laying out or widening, alternation, or discontinuance, not exceeding in case of any lot in the amount of such benefit; but the whole assessment shall not exceed the damages so allowed. Before such assessment is made, notice shall be given to all persons interested of a hearing before said Municipal Officers, at a time and place specified, which notice shall be published in a local newspaper least one (1) week before said hearing; all as provided by State Law.

**SECTION 202. OWNERS TO BE NOTIFIED OF ASSESSMENT.** Owners of said assessed lots shall be notified in accordance with State Law.

**SECTION 203. ARBITRATION WHEN AMOUNT OF ASSESSMENT IS NOT SATISFACTORY.** Any person not satisfied with the amount for which he or she is assessed under the provisions of State Law may have said assessment determined by arbitration in accordance with State Law.

**SECTION 204. ASSESSMENTS TO CREATE A LIEN ON LAND ASSESSED.** All assessments made under the provisions of State Law shall create a

lien upon each and every lot or parcel of land so assessed in accordance with State Law.

Chapter 23  
Art. 2  
Sec. 205 - 210

**SECTION 205. ACTION MAY BE MAINTAINED BY CITY.** If said assessments under the provisions of the State Statutes are not collected, the City may maintain an action in accordance with State Law.

**SECTION 206. OPENING OF STREETS.** Whenever the paving or repairing of any street or public highway shall have been ordered by the Municipal Officers, the City Manager shall duly serve upon owners of property abutting on such street or highway, and upon all corporations, persons, firms and bridge or water districts occupying such street or highway, a notice directing such owners, corporations, persons, firms and bridge or water districts to make such sewer, water, and conduit connections or other work, as may be designated, within sixty (60) days from date of such notice. At the expiration of the time fixed, and after such street has been paved or repaired, no permit shall be granted to open such street for a period of five (5) years except as hereinafter provided.

**SECTION 207.** If the owners, corporations, persons, firms, or bridge or water districts comply with the notice given under the provisions of the preceding section, the City Manager, may in the case of an emergency, grant and renew permits for digging or making excavations in the driveway of any of the public highways of the City in accordance with State Law.

**SECTION 208.** Any person or persons, firm, corporation, or bridge or water district, who shall dig or make an excavation in the driveways of any public highway without first obtaining such permit or who have obtained such permit shall disturb a greater area of surface than specified in such permit, may be punished by a fine of Twenty-five (\$25.00) Dollars for each offense.

**SECTION 209.** Every permit for digging up and opening streets, roads and highways granted under the foregoing sections shall specify the time during which said streets, roads or highways may remain open, the place where such opening may be made and the number of square yards of surface which may be disturbed.

**SECTION 210.** It shall be unlawful for any person or persons, firm, corporation, or bridge or water district, having the right of opening or making excavations within the driveways of the public highways to leave open at any time any trench or

excavation of a greater length than two hundred (200) feet, except by permission of the officer granting such permit in accordance with State Law.

Chapter 23  
Art. 2  
Sec. 211 - 213

**SECTION 211.** Any work unskillfully done within and upon the driveways of the public highways in the City is subject to the regulations as set forth by State Law.

**SECTION 212. FEES FOR EXCAVATION PERMITS.** The City Manager shall keep a record of all permits granted by him, work done by the City employees excepted. The applicant shall pay to the City Treasurer for every permit making an excavation within the driveways of any public highway paved with broken stone, concrete, bitulithic, granite block, brick, wood block, sheet asphalt or other pavements such fees as shall be established by the Municipal Officers, such fees not to exceed the reasonable cost of replacement of the excavated pavement.

**SECTION 213. REPORT BY CITY TREASURER.** All such fees paid to the City Treasurer shall be regularly accounted for by him in his report to the City Council, and shall constitute a special fund for the repaving of said cuts; when such cuts are repaired by the street department, the cost thereof shall be charged to said fund.

Chapter 23  
Art. 3  
Sec. 301 - 305

**ARTICLE 3. SIDEWALKS**

**SECTION 301. ASSESSMENT UPON ABUTTERS.** Whenever the Municipal Officers order the construction or repair of any sidewalk within the City, for the safety and convenience of the public, the cost thereof may be assessed on the property adjacent to and bounded on said sidewalk, as provided by State Law.

**SECTION 302. ABUTTERS MAY PETITION MUNICIPAL OFFICERS.** Whenever a majority of the abutters in number and value upon any street shall in writing petition the Municipal Officers to improve or construct a paved sidewalk thereon, and such construction or improvements are made, two-thirds of the cost thereof may be assessed on the property adjacent to and bounded on said sidewalk.

**SECTION 303. NOTICE AND APPEAL.** Owners of property assessed in accordance with Sections 501 and 502 hereof shall be notified and have the same right of appeal as provided by Article 2 herein.

**SECTION 304. PRIVATE WALKS.** No private walks shall be built across any street until permission is granted by the City Manager and they shall be constructed under the supervision of the City Engineer. Such walks shall be removed, repaired or re-laid at the expense of the owner when required by the City Manager. Walks built in violation of this Section may be removed at any time at the direction of the City Manager, at the expense of the owner.

**SECTION 305. SIDEWALKS, ABUSE.** No person shall pile, deposit, or place, or cause or permit to be deposited, piled or placed, any rubbish, wood, coal, merchandise, dirt, impediment, or obstruction of any kind upon or over any sidewalk; nor so occupy or obstruct any sidewalk as to interfere with the convenient use of the same by all passengers. This section shall not apply to those persons, partnerships, corporations or other legal entity who act in accordance with the ordinance regulating the collection of rubbish or garbage, or those persons, partnership,

corporations or other legal entity who have been granted proper permits to obstruct the sidewalk.

Chapter 23  
Art. 3  
Sec. 305.1 - 305.3

**305.1** No person shall draw, propel or wheel any handcart, sled, wheelbarrow or other carriage, upon any sidewalk, except children's carriages drawn by hand and children's velocipedes.

**305.2** No person shall use or appropriate any space under a sidewalk for cellar or other underground uses without first obtaining a permit from the City Clerk approved by the City Manager.

**305.3** No owner of any building, lot or premises shall allow rain water or drain water to drain from such building, lot or premises onto a sidewalk or to allow ditches, leaders, ducts or drain pipes to empty on a sidewalk.

Chapter 23  
Art. 4  
Sec. 401 - 404

**ARTICLE 4. SNOW REMOVAL**

**SECTION 401.** It shall be the duty of the proprietor of every store, shop or other place of business in the City to keep that portion of the sidewalk, upon the same side of the street as and in front of his or her said store, shop, or other place of business, free from ice and snow.

**SECTION 402.** No person shall deposit or cause to be deposited any large body of ice or heap of snow in any street lane or public square of the City, except as required by Section 401 of this Article.

**SECTION 403.** The owners of buildings within the business district of the City, if so required by the Municipal Officers, shall cause snow fenders to be installed within thirty (30) days, or as soon thereafter as reasonable practicable after such notice, upon the roof thereof next to the street, for the purpose of protecting persons and property from injury from snow and ice falling from said roofs.

**SECTION 404.** The use of City-owned equipment shall not be allowed for the removal of snow or ice on private property except in an emergency on approval by the City Manager.

Chapter 23  
Art. 5  
Sec. 501

**ARTICLE 5. MODIFICATIONS TO THE PAVED WIDTH OF PUBLIC STREETS  
AND/OR SIDEWALKS**

**SECTION 501. WIDTH MODIFICATIONS.** No reduction in the width of the traveled way of any public street shall be made, except in the case of an emergency by the city, without holding a public hearing and it receiving approval of a majority of the city council present and voting at a duly called city council meeting.